

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**TED H. FULK and
ROBERT E. MORGAN,**

Plaintiffs,

v.

NORMAN LEWIS, et al.,

Defendants.

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**No. 3:10-cv-00664
Judge Haynes**

ORDER

The Plaintiffs, both prisoners in the Montgomery County Jail in Clarksville, Tennessee, bring this action under 42 U.S.C. § 1983 concerning the conditions of their confinement. (Docket No. 1). The Plaintiffs have not paid the three-hundred fifty dollar (\$350.00) civil filing fee, nor have they submitted individual applications to proceed *in forma pauperis* in lieu thereof.

Plaintiff Fulk has submitted an application to proceed *in forma pauperis*. (Docket No. 2). However, his application to proceed *in forma pauperis* is defective because he has not provided a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint as required by 28 U.S.C. § 1915(a)(2). Therefore, Plaintiff Fulk shall submit to the Court within thirty (30) days of the date of service of this order either a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the date that he receives this order, or the full three hundred fifty dollar (\$350.00) filing fee.

Plaintiff Morgan has not submitted the three-hundred fifty dollar (\$350.00) civil filing fee or an application to proceed *in forma pauperis*. Even though Messrs. Fulk and Morgan bring this lawsuit as co-Plaintiffs, each of them must submit a separate application to proceed *in forma pauperis* for the Court's consideration, should both Plaintiffs wish to proceed as paupers.

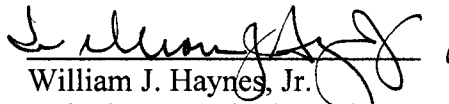
The Clerk is **DIRECTED** to send Plaintiff Morgan a blank application to proceed *in forma pauperis* and a copy of Administrative Order No. 93. Plaintiff Morgan, in turn, is directed to do one of the following within thirty (30) days of the date that he receives this Order: (1) either pay the full three hundred fifty dollar (\$350.00) filing fee; or (2) complete the application to proceed *in forma pauperis* provided in accordance with Administrative Order No. 93, and return the properly completed application to the district court with a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the date of the entry of this Order, as required under 28 U.S.C. § 1915(a)(2).

Each Plaintiff is forewarned that if he does not comply with this Order within the 30-day time frame specified, the Court is required under the law to presume that he is not a pauper, assess the full amount of the filing fee as to each Plaintiff, and dismiss the action for want of prosecution. *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007). If this case is dismissed under these circumstances, it will not be reinstated to the Court's active docket despite subsequent payment of the filing fee, or correction of any documentary deficiency. *Id.*

As to both Plaintiffs, an extension of time to comply with this Order may be requested from this Court if a motion for an extension of time is filed within thirty (30) days of the date of entry of this Order. *Floyd v. United States Postal Service*, 105 F.3d 274, 279 (6th Cir. 1997), *superseded on other grounds by* Rule 24, Fed. R. App. P.

It is so **ORDERED**.

ENTERED this the 2nd day of September, 2010.


William J. Haynes, Jr.
United States District Judge